



February 28, 2001

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## HOUSE BILL No. 1299

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DIGEST OF HB 1299 (Updated February 26, 2001 9:51 PM - DI 105)

**Citations Affected:** IC 20-12; IC 35-47.

**Synopsis:** Safety information for handgun permit applicants. Requires a law enforcement agency that accepts an application for a handgun license, before forwarding the application to the superintendent of the state police department, to provide the applicant with information on handgun safety that is provided to the law enforcement agency from a nonprofit educational organization that is dedicated to providing education on firearms.

**Effective:** July 1, 2001.

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**Smith V**

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January 9, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.  
February 27, 2001, amended, reported — Do Pass.

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HB 1299—LS 6199/DI 44+



February 28, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1299

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 20-12-3.5-2, AS AMENDED BY P.L.116-1999,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2001]: Sec. 2. (a) Police officers appointed under this chapter  
4       have general police powers including the power to arrest, without  
5       process, all persons who within their view commit any offense. They  
6       have the same common law and statutory powers, privileges, and  
7       immunities as sheriffs and constables, except that they are empowered  
8       to serve civil process only to the extent authorized by the employing  
9       governing board; however, any powers may be expressly forbidden  
10      them by the governing board of the institution employing them. In  
11      addition to any other powers or duties, such police officers have the  
12      duty to enforce and to assist the officials of their institutions in the  
13      enforcement of the rules and regulations of the institution, and to assist  
14      and cooperate with other law enforcement agencies and officers.  
15      (b) Such police officers may exercise the powers granted under this  
16      section only upon any real property owned or occupied by their  
17      institutions, including the streets passing through and adjacent thereto.

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Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

(c) When an eligible police officer retires after at least twenty (20) years of service, the police officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the service to the department and the public, a badge that indicates that the officer is retired. Upon retirement, the department shall issue to the police officer an identification card that states the police officer's name and rank at retirement, states the officer's retired status, and notes the officer's authority to retain the service weapon. A police officer described in this subsection is entitled to a lifetime license to carry a handgun under ~~IC 35-47-2-3(e)~~ **IC 35-47-2-3(f)**.

SECTION 2. IC 35-47-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which he resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which he resides after he has obtained an application form prescribed by the superintendent; or
- (3) if he is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which he has a regular place of business or employment.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection ~~(g)~~, **(h)**, the fee shall be:

- (1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (2) used by the agency for the purpose of:
  - (A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or
  - (B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

**(c) The law enforcement agency that accepts an application for a handgun license shall provide the applicant with information**



1 concerning handgun safety rules recommended by a nonprofit  
 2 educational organization that is dedicated to providing education  
 3 on safe handling and use of firearms. The law enforcement agency  
 4 shall provide the information before the application is forwarded  
 5 to the superintendent under subsection (d). A gun permit may not  
 6 be denied because the information concerning handgun safety rules  
 7 required under this section is unavailable at the time the person  
 8 submits an application for a handgun license.

9 (d) The officer to whom the application is made shall ascertain  
 10 concerning the applicant his name, full address, length of residence in  
 11 the community, whether his residence is located within the limits of  
 12 any city or town, occupation, place of business or employment,  
 13 criminal record, if any, and convictions (minor traffic offenses  
 14 excepted), age, race, sex, nationality, date of birth, citizenship, height,  
 15 weight, build, color of hair, color of eyes, scars and marks, whether the  
 16 applicant has previously held an Indiana license to carry a handgun  
 17 and, if so, the serial number of the license and year issued, whether his  
 18 license has ever been suspended or revoked, and if so, the year and  
 19 reason for the suspension or revocation, and the applicant's reason for  
 20 desiring a license. The officer to whom the application is made shall  
 21 conduct an investigation into the applicant's official records and verify  
 22 thereby the applicant's character and reputation, and shall in addition  
 23 verify for accuracy the information contained in the application, and  
 24 shall forward this information together with his recommendation for  
 25 approval or disapproval and one (1) set of legible and classifiable  
 26 fingerprints of the applicant to the superintendent.

27 ~~(d)~~ (e) The superintendent may make whatever further investigation  
 28 he deems necessary. Whenever disapproval is recommended, the  
 29 officer to whom the application is made shall provide the  
 30 superintendent and the applicant with his complete and specific  
 31 reasons, in writing, for the recommendation of disapproval.

32 ~~(e)~~ (f) If it appears to the superintendent that the applicant has a  
 33 proper reason for carrying a handgun and is of good character and  
 34 reputation and a proper person to be so licensed, he shall issue to the  
 35 applicant a qualified or an unlimited license to carry any handgun  
 36 lawfully possessed by the applicant. The original license shall be  
 37 delivered to the licensee. A copy shall be delivered to the officer to  
 38 whom the application for license was made. A copy shall be retained  
 39 by the superintendent for at least four (4) years. This license shall be  
 40 valid for a period of four (4) years from the date of issue. The license  
 41 of police officers, sheriffs or their deputies, and law enforcement  
 42 officers of the United States government who have been honorably



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retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

~~(f)~~ (g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

~~(g)~~ (h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

SECTION 3. IC 35-47-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The superintendent may suspend or revoke any license issued under this chapter if he has reasonable grounds to believe that the person's license should be suspended or revoked.

(b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section ~~3(f)(4)~~ **3(g)(4)** of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section ~~3(f)(4)~~ **3(g)(4)** of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.

(c) A person who fails to promptly return his license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient



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- 1 basis for the arrest of that person for violation of this subsection.  
2 (d) The superintendent shall establish rules under IC 4-22-2  
3 concerning the procedure for suspending or revoking a person's license.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1299, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "that is provided to the law enforcement" and insert **"rules recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms."**

Page 3, line 2, delete "agency by the superintendent."

Page 3, line 4, after "(d)." insert **"A gun permit may not be denied because the information concerning handgun safety rules required under this section is unavailable at the time the person submits an application for a handgun license."**

and when so amended that said bill do pass.

(Reference is to HB 1299 as introduced.)

LYTLE, Chair

Committee Vote: yeas 9, nays 2.

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